

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DAVID EUGENE BAILEY,

Plaintiff,

vs.

CMS,

Defendant.

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Case No. 4:11-CV-0403-JCH

ORDER

This matter is before the Court upon the opening of the instant action. Because plaintiff's action has been severed and newly filed, the Court will require plaintiff to either pay the \$350 filing fee or submit a motion to proceed in forma pauperis in order to proceed with the instant matter. Plaintiff will be given thirty (30) days to do so. Additionally, if plaintiff files a motion to proceed in forma pauperis, he must also file a certified copy of his prison account statement for the six-month period immediately preceding the filing of his complaint. 28 U.S.C. § 1915(b).

Accordingly,

IT IS HEREBY ORDERED that plaintiff shall either pay the \$350 filing fee or submit a motion to proceed in forma pauperis within thirty (30) days of the date of this Order.

IT IS FURTHER ORDERED that if plaintiff submits a motion to proceed in forma pauperis, he must also submit a certified copy of his prison account statement for the six-month period immediately preceding the filing of his complaint.

IT IS FURTHER ORDERED that the Clerk shall mail plaintiff a copy of the Court's form motion to proceed in forma pauperis – prisoner cases.

IT IS FURTHER ORDERED that if plaintiff fails to comply with this Order, the Court may dismiss this action without prejudice.

Dated this 8th day of March, 2011.

/s/ Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE